

## EXECUTIVE SUMMARY

This report contains the findings and recommendations of the Probation Services Task Force (task force), an 18-member body formed in August 2000 to undertake a comprehensive examination of probation in California. This report details the scope of the task force's examination, summarizes input from stakeholders around the state, makes recommendations focused on enhancing probation in California and lays out a research agenda for future study.<sup>1</sup>

***General Profile of Probation in California: Organizational Structure and Funding***

Established in 1903 as a component of the newly formed juvenile court system, probation occupies a unique and central position in the justice system. Probation links the system's many diverse stakeholders, including law enforcement; the courts; prosecutors; defense attorneys; community-based organizations; mental health, drug and alcohol, and other services providers; the community; the victim; and the probationer. Probation departments in California's 58 counties currently serve an estimated 415,000 probationers. Of the total probation population, about 23 percent are juveniles, and 77 percent are adults. California has the largest probation population of any state in the nation, with the exception of Texas.

The governance structure of probation in California is unique. In some states, probation and parole are joined in a single department; in others, as occurs in California, probation and parole are administered separately.<sup>2</sup> Nationally there are six basic governance models. These include (1) a state-level executive agency, (2) the state-level judiciary, (3) the local judiciary, (4) a local executive agency, (5) a combination of state and local executive agencies, or (6) both a local executive agency and the judiciary. As depicted in table 1, California is the only state to follow the last model, a combination local judicial and executive governance model.<sup>3</sup>

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<sup>1</sup> This report, working documents, and appendixes can be found at the Probation Services Task Force Web site at <[www2.courtinfo.ca.gov/probation](http://www2.courtinfo.ca.gov/probation)>.

<sup>2</sup> Probation is distinguished from parole based on the jurisdiction and timing of offender supervision. Probation officers are involved with alleged offenders and offenders supervised in the community. Parole agents have jurisdiction over offenders following release from a state facility such as the California Department of Corrections (adults) or the California Youth Authority (juveniles).

<sup>3</sup> B. Krauth and L. Linke, *State Organizational Structures for the Delivery of Probation Services* (June 1999) table 3: Primary Funding Sources for Adult Probation Services, p. 8.

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Table 1. Probation Departments: Organizational Options

Organizational Structure	Number of States	Percentage
State-level executive agency	30	60%
State-level judiciary	8	16%
Local judiciary	5	10%
Local executive agency	3	6%
State and local executive agencies	3	6%
Local executive agency and judiciary*	1	2%

\* California

Another defining characteristic of probation departments is the source of funding. Of the 50 states, the majority—36 states (70 percent)—support probation primarily from state government appropriations. Of these, 19 states receive supplemental funding through offender fees. Another 12 states (24 percent) are supported through combined state and local funding. Only California and Indiana receive primary funding exclusively from local government; both states also draw upon offender fees to offset costs (see table 2).<sup>4</sup> While limited-term federal and state grant funding is available, the state does not provide a stable or continuous revenue stream in support of local probation services. Given the extraordinary fiscal crisis facing California, it is uncertain whether this funding will continue.

Table 2. Primary Funding Sources for Adult Probation Services

State Government	Local Government	State + Local Government
AL, AK, CO, CN, DE, FL, GA, HI, ID, ME, MD, MA, NC, OR, RI, TA, VA [18]	[0]	AZ, KS, MN, NE, NJ, PA, SD [7]
AR, IA, KY, LA, MI, MS, MO, MT, NV, NH, NM, ND, OK, SC, UT, VT, WA, WI, WY [19]	CA, IN [2]	IL, NY, OH, TX, WV [5]

Note: The shaded portion shows, for each funding source category, which states receive supplemental funding from offender fees.

## National Trends in the Delivery of Probation Services

National research indicates that, in general, probation departments are suffering from declining resources in the face of increasing service demands. From 1990 to 1999, adult probation populations increased steeply, growing by 41.3 percent.<sup>5</sup> In addition, probation

<sup>4</sup> *Ibid.*

<sup>5</sup> American Probation and Parole Association, *Adult Probation in the United States: A White Paper*, prepared for the Probation Services Task Force, California Administrative Office of the Courts (Sept. 2000) p. 10 <<http://www2.courtinfo.ca.gov/probation/reference.htm>>. Hereafter referred to as

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handles 60 percent of the cases in the criminal justice system while prisons handle 40 percent.<sup>6</sup> National data on juvenile populations shows a similar growth in population.<sup>7</sup> Yet funding to support the expansion of probation services to meet growing needs has not materialized. Probation departments receive less than 10 percent of state and local government funding for corrections and, compared to appropriations for prisons, probation funding has been on the decline for 30 years. As one national corrections expert puts it, probation is simply doing more with less.<sup>8</sup>

### ***California's Probation Population***

California experienced a significant change in the probation population between 1991 and 1999, with the total adult probation population increasing approximately 7 percent.<sup>9</sup> As depicted in chart 1, the number of adult probationers sentenced for felony offenses nearly doubled from 1990 to 1999, growing from approximately 130,000 to 245,000. During this same time, the number of adults sentenced to probation for misdemeanor offenses decreased by approximately 46 percent. This stark change in the probation profile—with over 70 percent of adult probationers in 1999 being sentenced for felony offenses—clearly has placed different and more intensive service demands on probation departments. The number of juveniles on probation also increased in recent years; from 1989 to 1999, the number of juvenile probationers grew from approximately 172,000 to 210,000.<sup>10</sup> While the number of juveniles and adults in the justice system increased, the resources available to probation did not keep pace. The growth both in probation population and in demand for related services compelled local governments and probation departments to make difficult decisions regarding the allocation of limited resources. Generally speaking, most probation departments funneled resources and services to felony caseloads rather than to misdemeanants.

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Adult Probation White Paper. Citing Bureau of Justice Statistics, U.S. Dept. of Justice, *U.S. Correctional Population Reaches 6.3 Million Men and Women: Represents 3.1 Percent of the Adult U.S. Population* (news release, July 23, 2000).

<sup>6</sup> *Ibid.*

<sup>7</sup> American Probation and Parole Association, *Juvenile Probation in the United States: A White Paper*, prepared for the Probation Services Task Force, California Administrative Office of the Courts (Sept. 2000) p. 15 <<http://www2.courtinfo.ca.gov/probation/reference.htm>>. Hereafter referred to as *Juvenile Probation White Paper*. C. Puzzanchera et al., *Juvenile Court Statistics 1997* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2000).

<sup>8</sup> Adult Probation White Paper, p. 12; Juvenile Probation White Paper, p. 15.

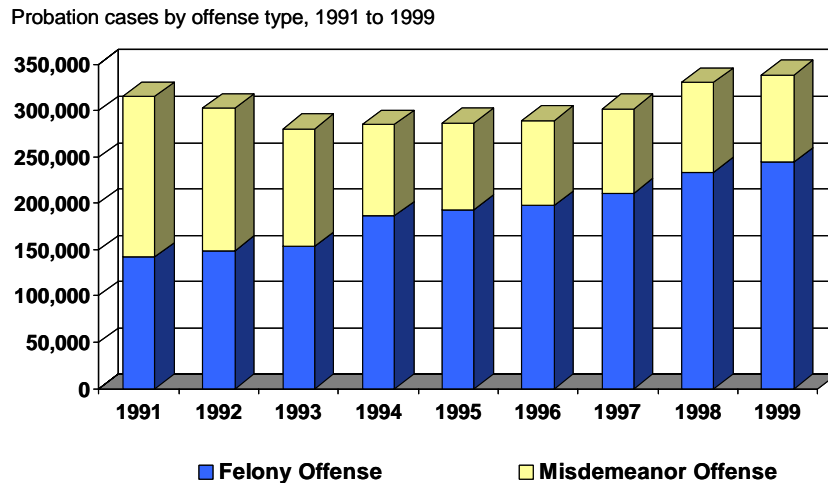
<sup>9</sup> California Department of Justice, *California Criminal Justice Profile* (1999a) <[http://justice.hdcdojnet.state.ca.us/cjsc\\_stats/prof99/00/7.htm](http://justice.hdcdojnet.state.ca.us/cjsc_stats/prof99/00/7.htm)> (as of Dec. 20, 2001).

<sup>10</sup> J. Worrall et al., *Does Probation Work? An Analysis of the Relationship between Caseloads and Crime Rates in California Counties* (Sacramento: The California Institute for County Government, 2001), p.3.

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Chart 1: Felony Offenses as a Share of Adult Probation Caseload in California



### ***Examination of California's Probation System: A Vast Undertaking***

The members of the task force approached their examination of probation services and governance with enthusiasm and commitment. To the best of their knowledge, such a thorough and multidisciplinary examination of probation services in California had never before been undertaken. The sheer size of the state and its probation population, the unique organizational and funding structures currently in place, and the lack of a similarly positioned jurisdiction from which to draw comparisons rendered the examination a remarkably daunting task. Another critical challenge presented itself: the lack of a core data set meant that fundamental demographic, departmental, and program/service information was not available to answer the critical question, "What is probation in California?" Nevertheless, the task force set out to investigate the extensive menu of innovative probation services delivered in the state, elicited broad public opinion on probation through an extensive outreach effort, and tackled a vast set of issues in a search to develop ideas and strategies for enhancing a system that, despite fiscal limitations, has established a number of exemplary services.

One of the task force's major undertakings in search of data and information about present-day probation structures, practices, and operations was an extensive outreach effort that sought input from both the recipients and providers of probation services and from other key stakeholders in the system. Nearly 900 participants contributed to the vast body of information gathered and examined by the task force: through site visits, outreach sessions, probationer roundtables, and/or written surveys. This input in many instances confirmed speculation about the difficulties, both fiscal and operational, facing probation departments as much as it highlighted a multitude of exemplary and innovative practices being implemented in many jurisdictions.

***Fundamental Principles***

The establishment of general principles to focus and guide discussions marked a major milestone in the task force process. These principles represented five critical points of consensus and reflected a clear desire on the part of task force members to work collaboratively toward recommendations for an enhanced model for probation that builds upon existing successes.

**The Five Fundamental Principles of the Probation Services Task Force**

**PRINCIPLE 1.** Authority over and responsibility for the conduct, support, funding, oversight, and administration of probation services, including the appointment of the CPO, must be connected.

**PRINCIPLE 2.** Courts and counties should develop and implement partnerships to administer probation departments and work collaboratively to ensure appropriate levels of services, support, funding, and oversight.

**PRINCIPLE 3.** Probation services should be administered primarily at the local level.

**PRINCIPLE 4.** Standards with measurable outcomes are necessary.

**PRINCIPLE 5.** Adult and juvenile probation services should be administered in a single department.

***Structure of the Report***

The task force made significant progress in its examination of probation, culminating in the formulation of 17 significant recommendations designed to enhance probation in California. The pages that follow present in detail the scope of the examination, the task force findings, and the task force recommendations. Section I offers an overview of the legislative and historical background leading to the establishment of the task force. This section also sets out the task force composition, charge, and processes for eliciting input from stakeholder groups. Section II sets forth the task force's fundamental principles, which served as a basis for examining alternative models for probation and which will continue to guide future work in developing a new model for probation in California.

Three sections—sections III, IV, and V—describe the core of the task force's work in examining probation's past, present, and future. Section III describes the fundamentals of probation in general and also outlines the key events and legislative actions that have shaped probation in California in the past 25 years. Section IV details the current structure of probation, including the core issues of governance, funding, and services.

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Section V describes the process by which the task force set out to create a new model for probation, and it lays out the recommendations being advanced by the task force at the end of its examination. Section VI sets forth a research plan for future study, and section VII delineates the task force's 17 specific recommendations.

### ***Summary of Principal Findings***

The task force made the following significant findings:

- Probation occupies a unique and central position in the local and state criminal justice structure. It serves as a linchpin of the criminal and juvenile justice system and is the one justice system partner that regularly collaborates with all stakeholders as an offender moves through the system.
- Probation departments are and have been sorely underfunded for many years, and program expansions in recent years have been largely supported by one-time grants. There is a clear need to move away from a patchwork funding model and toward the establishment of an adequate and stable funding base for probation in California.
- Despite fiscal and operational challenges facing probation departments, many exemplary programs are at work in California. Probation departments must be encouraged to borrow from proven practices and, when appropriate, to reallocate existing resources to achieve greater program efficiencies.
- Probation services tend to focus on the juvenile population, both preoffense (prevention and intervention programs) and postadjudication. This phenomenon can be attributed in large part to the fact that funding augmentations for probation programs in recent years have been earmarked exclusively for juvenile services.
- The focus on juvenile services means that the limited number of remaining staff and resources are often insufficient to properly supervise the adult probation population. All jurisdictions surveyed during this examination report *banking* some measure of their caseloads,<sup>11</sup> which often include a significant population of serious, even violent, offenders in need of direct and intensive supervision. It is appears that resources currently devoted to adult probation services are inadequate.
- Limited availability of funding in the 1980s and early 1990s greatly slowed probation department recruitment and hiring. As a result, there is a broad experience gap in most probation departments because of the lack of journey- and mid-level employees.

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<sup>11</sup> A banked case is one in which the probationer is only rarely or intermittently monitored for compliance with court orders due to insufficient resources to provide appropriate levels of supervision.

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- Probation does not share the status enjoyed by other public safety agencies in the community. Task force members recognize the need to address the status of probation in the community, to encourage discourse about the unique and critical role of probation, and to raise public expectations about the services and function of probation agencies.
- The current chief probation officer (CPO) appointment and removal process relies on statutory language that is unclear and results in divergent practices from jurisdiction to jurisdiction. Greater clarity and uniformity in the appointment, evaluation, and removal processes are warranted.
- The size and complexity of California's probation system makes it difficult to borrow from other states' operational models and structures. Any proposed probation governance model must fit the unique requirements and circumstances of our state and contain adequate flexibility to accommodate local needs.
- The status quo in the probation system is not acceptable. Despite the dedication and efforts of probation department professionals statewide, the probation structure as it exists today functions poorly on many levels.
- Few to none of the workload or cost drivers in the probation system, which include legislative mandates, court orders, state budget decisions, and administrative directives, are within the control of the county, yet it is the county that has budgetary and programmatic responsibility over the department.
- The split governance structure, historic levels of underfunding, and the resulting variation in service levels and programs from county to county promise to further erode probation departments' collective ability to provide a unified and critical set of justice services upon which our courts, communities, victims, and probationers rely.
- A statewide approach to probation that conforms to the five fundamental principles articulated by the task force ultimately appears to be the most promising model for the future.

### ***Advancing the Work of the Probation Services Task Force***

Over the last three years, the task force made great strides toward an improved probation system by examining the history of probation, its current operation throughout the state, and the significance of its work within the context of the justice system. From this study, the task force developed 17 specific recommendations. While this effort greatly developed the body of knowledge and represents perhaps the most comprehensive examination of California's probation system in recent memory, substantial work to fully implement the vision of the task force remains. The task force recommends that the counties and branches of state government establish a body tasked with developing a specific, long-term reform model and an implementation plan. Through this effort, the work of the task force will be advanced and the probation system improved for the benefit of all Californians.

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### **Task Force Recommendations**

The task force advances the following recommendations:

**RECOMMENDATION 1:** Probation departments must have stable and adequate funding to protect the public and ensure offender accountability and rehabilitation.

**RECOMMENDATION 2:** California should develop a new approach to probation governance that conforms to the five fundamental principles developed by the Probation Services Task Force.

**RECOMMENDATION 3:** Probation standards and guidelines should be developed and maintained to enhance the delivery of services to courts, communities, victims, and probationers.

**RECOMMENDATION 4:** Probation departments should develop and annually review mission statements with clearly defined goals and objectives.

**RECOMMENDATION 5:** Probation departments should incorporate measurable outcomes in developing goals and objectives.

**RECOMMENDATION 6:** Probation departments should develop a common statewide language to facilitate communication, delivery of services, and comparisons across jurisdictions.

**RECOMMENDATION 7:** Probation technology resources should be reconfigured and augmented to enhance statewide communication and improve operational systems, resource allocation, and capacity for evaluation.

**RECOMMENDATION 8:** Probation departments should develop assessment and classification systems and tools as part of an effective case management strategy.

**RECOMMENDATION 9:** Probation departments should establish a graduated continuum of services and sanctions to respond to the needs of each offender.

**RECOMMENDATION 10:** Prevention and early intervention efforts in appropriate cases should be an essential component of effective and meaningful probation services.

**RECOMMENDATION 11:** Courts and counties should develop and implement partnerships and work collaboratively to ensure appropriate levels of services for adult and juvenile offenders.

**RECOMMENDATION 12:** Probation departments should adopt workload standards rather than caseload ratios.



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**RECOMMENDATION 13:** Probation departments should work with courts, schools, parents, and education agencies to ensure that adult and juvenile probationers are provided with appropriate general, special, and vocational educational services.

**RECOMMENDATION 14:** Juvenile detention reforms should be developed and implemented to ensure that juveniles are appropriately detained and to reduce overcrowding in detention facilities.

**RECOMMENDATION 15:** Probation departments should consider an approach to probation that balances offender accountability, victim restoration, competency development, and community collaboration.

**RECOMMENDATION 16:** In conjunction with any change to the probation model in California, a change in name for probation could be considered to better reflect probation's function and status.

**RECOMMENDATION 17:** Counties and branches of state government should establish a body tasked with developing a specific long-term reform model and an implementation plan.